

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TOLEDO MACK SALES & SERVICE, INC.,	:	
	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 02-4373
	:	
v.	:	
	:	
MACK TRUCKS, INC.,	:	
	:	
Defendant.	:	

MACK TRUCKS, INC.,	:	
	:	
Counterclaim Plaintiff,	:	
	:	
v.	:	
	:	
TOLEDO MACK SALES & SERVICE, INC.,	:	
	:	
Counterclaim Defendant.	:	

ORDER

AND NOW, this 12th day of September, 2006, upon consideration of Plaintiff Toledo Mack Sales & Service, Inc.'s Motion *in Limine* to preclude Mack Trucks, Inc. from introducing testimony at trial by surprise witnesses (Docket No. 88), and all responses filed thereto, and after oral argument having been held, it is hereby ORDERED that said Motion is **DENIED WITHOUT PREJUDICE.**

BY THE COURT:

s/ Ronald L. Buckwalter, S. J.
RONALD L. BUCKWALTER, S.J.